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## Off-road rage: Hit-and-run incident leaves Bitterroot man injured after hiking

By PERRY BACKUS of the Missoulian



**Bill Burgund** describes the day he was run over by an ATV rider. "I couldn't believe it," he says. "He just looked over his shoulder and kept going. I had a hard time getting back up."  
MICHAEL GALLACHER/Missoulian

DARBY - Bill Burgund can't forget the day he was run over by an outlaw ATV rider.

The searing pain in his shoulder comes with every step, and is a constant reminder.

On a beautiful afternoon in March, Burgund decided to hike up a favorite trail just off Lost Horse Road near Lake Como. The hike began like so many others for the retired Los Angeles police officer, who lost a leg in the line of duty.

With a 30-pound pack strapped to his shoulders, Burgund's strong arms skillfully steered a pair of crutches along the trail set aside for pedestrian and horse traffic.

"I go there all the time in large part because there's no motorized traffic allowed," Burgund said. "I'd hiked as far as I planned to go when it happened."

In a matter of seconds, Burgund's tranquil jaunt turned into a nightmare.

He was nearing a sharp corner when an ATV suddenly appeared on the trail.

"This guy came screaming around the corner on an ATV," Burgund remembers. "I think he was probably going close to 45 miles per hour. I never heard him coming."

Burgund had just enough time to crouch.

The ATV slammed into his crutch. A piece of his clothing or maybe his crutch latched onto the machine for a split second. And then he was slammed to the ground.

"It took my arm out from under me," Burgund said. "It snapped me around and tore up my shoulder. I ended up on the ground screaming in pain."

Burgund looked up at the ATV rider.

The man glanced over his shoulder and then sped off.

"I couldn't believe it," he remembered. "He just looked over his shoulder and then kept going. I had a hard time getting back up. I crawled over to the embankment and grabbed hold of a tree and pulled myself up."

Alone, Burgund faced a long and painful walk back to his vehicle at the end of the gated road - where he saw the ATV's tracks veer around the gate before continuing down the main road.

The accident tore the rotator cuff in Burgund's shoulder. He'll need surgery to have it repaired.

Months later, the injury is still causing him a great deal of pain.

"I still can't understand why the guy didn't stop," he said. "He didn't seem the least bit concerned."

Burgund reported the incident to the Ravalli County Sheriff's Office. So far, no arrests have been made.

Cases like Burgund's make groups advocating responsible use of off-road vehicle use cringe.

"We absolutely don't condone using roads that are closed off to ATV traffic," said Dan Thompson of the Ravalli County Off-Road Users Association. "Ninety-nine percent of the people don't do it. You're always going to have a few outlaws who just don't obey the law."

Thompson said the association encourages its 450 members to turn in people violating the law.

"We provide our members with little booklets they can use to report violations to the Forest Service or other law enforcement," Thompson said. "We encourage people to do that."

The association is also working with the Forest Service to develop new opportunities for legal motorized recreation on public lands, he said.

"On the Bitterroot National Forest, we only have 29 miles of official ATV trails," Thompson said. "In comparison, on the Beaverhead-Deerlodge Forest there are roughly 1,000 miles. If there are more legal places to ride, there will be fewer people riding on closed roads."

Ravalli County has both a growing and aging population. ATV use in the county is increasing about 20 percent every year, Thompson said.

"In about four years, the number of ATVs using the forest will just about double," he said. "We need to look for ways to provide more opportunities. At the same time, we need to encourage people to ride responsibly. If people misbehave, we'll end up losing more trails."

A new report by Wildlands CPR and the Natural Trails and Water Coalition calls for tougher enforcement of off-road vehicle violations on public lands.

Based on more than 50 interviews with public land managers, law enforcement officials, community leaders and private landowners, the report highlights success stories from forests across the West where enforcement was made a priority.

"Everyone has a right to access our public lands, but no one has the right to abuse these lands or ruin the experience of others enjoying America's great outdoors," said Jason Kiely of Wildlands CPR of Missoula. "Fair and effective law enforcement helps everyone who values public land, whether you ride a machine, mount a horse or rely on your own two feet."

Enforcing the law on national forest lands isn't an easy task.

Law enforcement officers are already stretched thin in rural areas like the Bitterroot Valley, said Ravalli County Sheriff Chris Hoffman.

Nearly three-quarters of the land in Ravalli County is owned by the federal government or the state. The Bitterroot National Forest employs two or three law enforcement officers to cover that large expanse.

"When people are upset over something, they usually call 9-1-1 and their first contact is Ravalli County," Hoffman said. "We end up covering a lot of activity that occurs on national forest lands."

Hoffman knows that people are frustrated over illegal use of off-road vehicles.

"I hunt here," he said. "I've been miles behind a locked gate and seen people drive by on an ATV. It makes me madder than hell, too."

The management of backcountry travel on the Bitterroot National Forest is about to be pushed to the front burner. By late summer or early fall, officials will begin an environmental analysis of travel management on the 1.6-million-acre national forest.

Stevensville District Ranger Dan Ritter will lead the effort to create some continuity out of the "mishmash" of designations that visitors now must wade through to figure out what's open and what's closed to motorized vehicles.

Over the past decade or so, travel management decisions were made in a piecemeal fashion at the conclusion of different projects, Ritter said. The decisions were often based on different resource concerns like elk security.

The public will have a number of opportunities to weigh in on efforts to update travel management on the national forest.

"We'll hold several sets of public meetings up and down the valley over the next couple of years," Ritter said. "There will be plenty of opportunities for people to get involved."

In the meantime, Burgund plans to be on guard whenever he ventures out into the forest.

"Truly, I am really worried now when I go out for a hike," he said. "I love living in Montana. I live here for the outdoors. I'm not going to quit going out because of what's happened."

And it won't happen again.

"I take my gun now every time I go out hiking," he said. "The next guy that runs over me is going to get shot."

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### ATVs scarring the forest

MICHAEL BABCOCK

EAST GLACIER √ From any of these ridges you can look north and see Glacier National Park's skyline ripping into the perfectly blue sky √ Mount Henry, Dancing Lady Mountain, Bearhead and Calf Robe, all standing guard at the far southeast corner of Glacier. To the south spreads the Badger Two Medicine Roadless Area: The South Fork of the Two Medicine River is over the next ridge. Wise hikers carry bear spray. Grizzlies, elk, black bears, deer, wolves and mountain lions √ just about every critter familiar to most Montanans √ move through here at one time or another.

But as East Glacier resident Mike Wikstrom took in the stunning view last week, he shook his head. Running right through one of Wikstrom's favorite places to recreate is an All Terrain Vehicle road √ created in the last three weeks but getting more permanent with every passing weekend.

It's not just in this little piece of Montana, which happens to be part of the Lewis and Clark National Forest. Forest rangers say the last couple of months the unauthorized use of ATVs is showing up all over the forest, which includes the Rocky Mountain Front, the Highlands, the Little Belts, the Castles and Crazy mountain ranges and the Musselshell ranger district.

"It's disappointing," says Wikstrom. "I'm up here 10 to 15 times a year, mostly to hike."

He has been playing in this spot for almost 15 years and it wasn't until last fall he encountered ATV riders in the area.

"I told them that this area is off limits and they said they didn't know that," Wikstrom said.

Then, about three weeks ago, the abuse really took off.

"Occasionally, four-wheelers came in but I never saw anybody do this much work," he said.

Destructive time, energy

After they drove past the bright orange sign announcing the area is closed to motorized vehicles all year long, the ATV operators who pioneered the road removed "Kelly humps" √ ridges of dirt built by the Forest Service to keep vehicles out and they tore down waist-high rock barriers. They drove across erosion control barriers √ tore 'em down √ and removed large brush piles built across their paths.

For the record, the area has never been open to off-road travel even though two years ago a trail through the area was widened and slightly improved to allow a pipeline company access to construct a pipeline that traverses the area on its way to western Montana. But before pipeline crews pulled out they returned the area to its previous state and set up the barriers to make it clear the road was no longer a road.

Forest-wide problem

Belt District Ranger Tina Lanier says ATV damage is a problem in the Little Belts, too.

"We do have a lot of concern caused by some individuals willfully disobeying the rules, obviously," Lanier said.

The latest travel plan, which details how motor vehicles may use the national forest, was enacted last fall and put into effect "on the ground" earlier this summer. Almost as fast as forest service employees install the new fences, gates and other barriers associated with travel plan, ATV riders tear them down.

"They have been taking down fences and taking down signs. A lot of people don't know the rules and that is our responsibility to let them know, but a lot of people do know the rules," she said.

"We have talked about it a lot √ about how frustrating it is when we try to make it obvious to help people out by telling them with physical barriers and then have people destroy it the next weekend. Then the people who want to follow the rules don't know the rules."

Lanier said the damage has been more apparent in the last two or three months because people may be encountering new barriers for

the first time.

Who does this?

John Metrione, the recreation program leader on the forest said, "We have over a million acres in four pretty active districts. A lot of bowhunters and lot of hunters are accustomed to recreating over the past years and then we came along and made some travel plan changes. It is going to take people awhile to get used to changes."

Metrione also said the preferred mode of transportation has moved from two-wheeled motorcycles to ATVs. Two-wheelers are allowed on some trails where the wider ATVs cannot go.

"I don't always blame the user," he said. "It is not always fully clear where people can and cannot go because we don't have the motor vehicle use map 100 percent in place."

Metrione is almost apologetic for the culprits, even though he cites several examples off the top of his head in which fences have been torn down and "concrete soldiers" have been torn out of the ground.

"With some of the closures, it just started," he said. "These are roads or trails that people have been accustomed to using either with an ATV or a pickup. With the new travel plan and motor vehicle use map, we are still trying to get the word out.

"We realize it is significant change in some areas," he said.

On the Arch Trail foresters installed concrete soldiers two or three times and they have been torn out.

Concrete soldiers are three or four feet long precast concrete pillars that are sunk vertically into the ground with a couple of feet remaining out of the ground. They are usually set far enough apart that a horse or a motorcycle can get between them.

Metrione would not estimate how much it costs: He said the "concrete soldiers" are precast and purchased in bulk but he said it would be a full day's work for a couple of Forest Service laborers.

"We also have been putting up treated jack leg fences & rail fences resting on two upright posts leaning against each other. On more recent closures, people have been just taking them down, tearing them out and taking them home," he said.

Judith District Ranger Ron Wiseman says the problem is apparent on the east side of the Little Belts as well.

"There are the people who seem to want to use the ATVs and do it right and then there is the other percentage, maybe 30 to 40 percent, who don't care about rules or regulations and seem to think they have a right to do what they want.

"They ride on routes they are not supposed to be on or routes with seasonal restrictions or they just go across country, which has not been legal since about 2000.

Wiseman said the new travel plan makes the vandalism more obvious but the damage has been going on for years.

"It seems it is more noticeable now because of the new stuff, but for the last four years, we have had two or three instances per year where they cut the wires on a gate if it is shut or they go around the gate if they can. They pull out metal fence posts or sometimes we build rail extensions at sides of gates and they will take those down."

He said damage has been inflicted at the mouth of the Middle Fork of the Judith, an area called Suicide Flats and on the Weatherwax Road.

Wiseman said while the costs may not seem like much & a gate or a section of jack-legged fence might cost \$500 or \$600 to replace & the damage has occurred on every district and that mounts up.

"People are asking us how come trails are cleared or how come you are doing that. It costs money but it also costs people's time that they could be spending on projects of a different nature & keep a camp ground clean or maintain a trail."

Policing is tough

Wiseman said policing all of the roads is virtually impossible.

"We have some methods that are kind of starting to work but the best thing is information from people trying to do it right. If they can get a plate number, a good ID of a vehicle and a description of the people, and if they are willing testify, then that is a pretty easy case.

"We haven't caught a lot of people," said Metrione. "We have just noticed that with onset of bowhunting and (the coming) rifle season and people out scouting. It could just be everyday recreators or bird hunters. I don't want to single anybody out.

"A perfect example is Pilgrim Creek. It never has been open to ATVs but they have been going all the way to the saddle and then on up to Thunder (Mountain). There are no authorized or legal ATV trails in that area," Metrione said.

Rangers could issue several citations to violators: The fine is \$200 for Motor Vehicle Use Map (MVUM) violations, \$200 for property

damage; and if other resource damage has occurred an additional \$200 fine, according to Metrione.

#### A rider's lament

The new travel plan was officially adopted in October 2007. But "on the ground" implementation began earlier this summer.

Dave Cunningham, information officer for the Lewis and Clark Forest, said the new plan leaves open 870 miles of roads and trails open year round in the Little Belts and 496 miles that have seasonal restrictions for a total of 1,366 miles. He said adding in the Highwoods and the Snowies, the total comes to about 1,400 miles.

But avid ATV rider Stan Paulson of Great Falls says in some cases what are considered ATV trails are simply roads that the Forest Service said ATV riders could use in place of trails the travel plan shut down. He says those are no fun. While he doesn't like the latest travel plan but he also says that it is incumbent on riders not to abuse ATV use.

"I think that there may be some people out there who have a bad feeling about it and might be vengeful," Paulson said. "I just don't like the fact of closing off access. There was one trail that I really liked to go on and they just shut it down. The only way you can go in now is to hike in. I really like to ride my ATV and I like riding on two track trails.

"You have people who aren't responsible, but you have that in everything. You have to be responsible. If ATVs are misused you can cause a lot of damage," Paulson said. "It takes a long time for the ground to recover if you get people in there when it is muddy. Like anything you have to be responsible and do what's right.

Back in the Badger Two Medicine above Buffalo Lakes, Wikstrom explains why a Helena native raised in Bozeman might want to move to East Glacier and run a grocery store in Browning.

"It's Glacier Park and getting outdoors," he said. "It is a very beautiful part of the world."

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Off-trail: Destructive OHVers give sport black eye

**By BRETT FRENCH**

**Off trail**

No matter which side of the off-highway-vehicle debate you fall on, recent photographs taken of modified four-wheel drives churning through the snow in the Pryor Mountains has given the sport a black eye.

The photos were taken by a hiker on May 3 while he and his wife were climbing Red Pryor Mountain. The photographer sent the photos and a letter describing the incident to the Custer National Forest.

The photos showed three four-wheel drives and at least four people standing in a mountaintop meadow. Other shots showed one 4x4 driving across a high-mountain snowfield, tracks through a muddy area and a churned up snowbank.

In a letter to Custer National Forest Supervisor Steve Williams, the photographer described the situation and provided copies of the photos. The photographer's name was taken off the copy of the letter provided to The Gazette. When asked for the man's name, the source of the document and photos said the man was fearful of stepping forward publicly, although his name was signed on the letter sent to Williams.

In the letter, the photographer said he saw four vehicles and described the 4x4s' route up and across the mountain. Although initially it appeared that the vehicles had confined most of their driving to existing roads, the photographer returned a week later to find more damage.

He wrote, "However, a return visit to Red Pryor yesterday (May 13) revealed many more tracks; a steep slope on the southeast side of Red Pryor Mountain had obviously been used for a hillclimb on a large snowdrift and in places the trucks had clearly been traveling off the snow and off the road."

The photographs couldn't come at a worse time for motorized users. The Beartooth Ranger District is in the middle of crafting its travel management plan for the Pryors and a portion of the Beartooth Front.

ATVs and OHVs are lobbying hard for access across the Pryors while groups like the Montana Wilderness Association and Friends of the Pryors are advocating for fewer roads and trails for just such a reason - claiming some motorized users are hard on the resource and disrespectful of the law.

Granted, every activity has its bad apples. But incidents such as this tend to paint all OHVs with the same broad brush.

Fellow motorized users, if they know who these off-roaders are, should step forward and finger the truck owners. A call to the Beartooth Ranger District office (446-2103) or the Custer National Forest supervisor's office (657-6200) with information would be helpful.

Forest investigators are attempting to track down the drivers, which will be somewhat easier thanks to the photos.



"The Forest Service does not condone resource damage like that on national forest lands," said Pete Moullet, patrol captain with the agency. "It's definitely under investigation."

The drivers could face a few federal charges with a maximum of six months in jail and up to a \$5,000 fine for damaging national forest property and violating area closures. They also could face state charges for not having their vehicles licensed.

Is this situation an example of Montana's not-too-distant future? Nevada, Utah and California already struggle with problems created by such OHV scofflaws. Are these state's problems migrating northward?

The ATV and auto industry isn't helping the situation any by running advertisements that depict four-wheelers and four-wheel drive vehicles blasting through streams and up muddy trails.

Is more enforcement the answer?

In a recent meeting of resource advisory councils, Bureau of Land Management ranger Jason Caffey said that seven rangers cover about 8 million acres in Montana and the Dakotas for the agency. Consequently, they rely on other officers such as sheriff's departments and game wardens to tell them when off-road violations occur.

Maybe education is the key.

"Education is the most important thing others can do to help," Caffey said. "Most people comply with the laws."

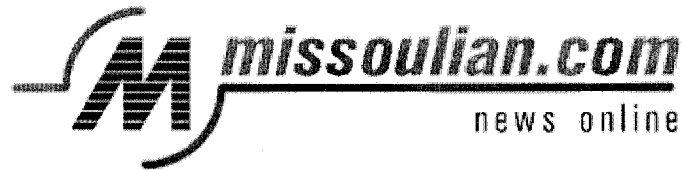
Motorized user Eric Hunt, a member of the Dakotas resource advisory council from Spearfish, S.D., said education of motorized users has been neglected.

"It comes from peer pressure that most people are going to follow the rules," he said.

Which brings up the question: Why not have a licensing program for ATV and other OHV users? Motorcyclists in Montana have to get an endorsement by passing a written and driving test. Archery and rifle hunters are also required to take tests before being allowed to purchase a hunting license. Why not require a written and driving test specifically for OHV users?

Certainly, education wouldn't stop all abuses like the ones mentioned here, but hopefully it would help some people value the resource more and make beginning riders more safety conscious, perhaps thereby reducing the number of accidents as well.

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## County turning away ATVs near Deep Creek

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By *TRISTAN SCOTT* of the *Missoulian*

Missoula County authorities turned away more than a dozen ATV riders on Sunday in the Deep Creek area west of town as part of a continuing effort to curb illegal motorized vehicle use that's been scarring the landscape for years.

"There has just been so much damage to the resources," said Missoula County Sheriff Mike McMeekin. "You can pull up images on Google Earth and see the impact. It looks like a spider web. That's all from dirt bikes. To me it's pretty impressive that we have so much resource damage that you can see it from a satellite."

McMeekin said motorized vehicle use on the hillsides along Deep Creek Road has been going on for years. But recently, Plum Creek Timber Co., which owns the land, has decided to prohibit motorized vehicle use.

Although no citations were issued Sunday, McMeekin said the extra patrols are part of a continuing effort. If people continue to break the law, there will be consequences, he said.

"We will continue to work with people but we will also get increasingly vigilant about writing citations for those who don't get the picture," McMeekin said.

Landscape scientists say the streams and rivers in that area have been badly trampled and the damage is severe, and ask ATV users to check in with local ranger stations to learn where they can legally use their off-road vehicles.

McMeekin said offenders who continue to violate the rules will be cited for criminal trespassing and even vandalism in some cases.

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